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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT</b>	Application Number <b>09/681,840</b>
	Filing Date <b>06/14/01</b>
	Examiner Name <b>Unknown</b>
	First Named Inventor <b>C. Enrique Ortiz</b>
	Attorney Docket No. <b>AVLN1130-1</b>

Certificate of Mailing Under 37 CFR 1.8

To: **Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2003

Janice Pampell  
 Janice Pampell

Pursuant to 37 C.F.R. § 10.40, Petitioner, Attorney of Record for the above captioned matter ("Application"), all attorneys and agents associated with Customer Number 25094, and the law firm of Gray Cary Ware and Freidenrich hereby request permission to withdraw as attorneys in the Application. This request is based upon grounds set forth in 37 C.F.R. §10.40(c).

As basis for this withdrawal, Petitioner asserts that the assignee has failed to pay one or more bills rendered by the Petitioner for an unreasonable period of time. Practitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the Applicants including giving due notice to the Applicants (see Exhibit A), allowing time for employment of another practitioner, delivering to the assignee all of its papers related to the Application and all property to which the Applicants are entitled. Additionally, a copy of this Petition is being sent to the Applicants (see attached certificate of service).

Other than the notice regarding the decision on this Petition, all further correspondence regarding the Application is to be sent to the current assignee of the Application as follows:

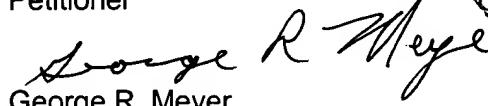
Mr. Ben Smith  
 Director of Operations  
 Avalon Digital Marketing Systems, Inc.  
 5255 North Edgewood Drive, Suite 250  
 Provo, Utah 84604

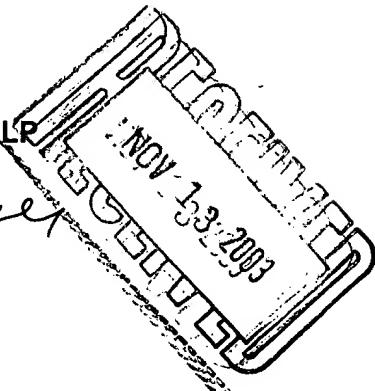
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 Technology Center 2100

There are no responses or actions due within the next thirty days after the mailing date of this Petition.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**  
Petitioner

  
George R. Meyer  
Registration No. 35,284



Date: November 3, 2003  
1221 S. MoPac Expressway, Suite 400  
Austin, Texas 78746  
Tel. (512) 457-7093  
Fax. (512) 457-7001



U.S. Patent Application No. 09/681,840

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Petition to Withdraw as Attorney or Agent was faxed, followed by hard-copy via certified mail, return receipt requested, to Mr. Ben Smith, Director of Operations, Avalon Digital Marketing Systems, Inc., owner of this application, on this 3<sup>r</sup> day of November, 2003.

Janice Pampell  
Janice Pampell

**RECEIVED**

NOV 12 2003

Technology Center 2100

# GRAYCARY

1221 S. MoPac Expressway, Suite 400  
Austin, TX 78746-6875  
[www.graycary.com](http://www.graycary.com)  
O] 512-457-7093  
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September 4, 2003

Via Certified Mail RRR  
No. 7106 4575 1292 5077 5687

Mr. Ben Smith  
Director of Operations  
Avalon Digital Marketing Systems, Inc.  
2120 Main Street, Suite 200  
Huntington Beach, CA 92648



Re: Disengagement

Dear Ben:

Pursuant to my conversation with you on September 3, 2003, enclosed is a copy of the correspondence addressed to Mr. Wolff on September 2, 2003, regarding disengagement.

As stated in our letter to Mr. Wolff, we are disengaging Avalon Digital Marketing Systems, Inc. for all patent and trademark matters that Avalon Digital Marketing acquired from AGEA Corporation. All files for patent and trademark matters other than AVLN1120-WO and AVLN1130-WO will be sent to you, and you should receive them within the next week.

In order not to prejudice Avalon Digital's rights with respect to AVLN1120-WO and AVLN1130-WO (PCT patent applications approaching the end of PCT Chapter II), we have the files just in case you want to file any national or regional patent applications for those patent applications. Both applications expired within about 30 days. The second paragraph of the letter to Mr. Wolff has more information regarding those applications. Enclosed are copies of correspondence for each of the above-mentioned files in relation to the national/regional stage that we have sent to Mr. Wolff. If you wish to file any national or regional patent applications, we must have full and complete payment for those patent applications before they are filed. We will not forward costs or work without a retainer because Avalon Digital currently owes Gray Cary about \$3300, about \$3000 of which was invoiced several months ago.

In the meantime, if you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,

Gray Cary Ware & Freidenrich LLP

*George R. Meyer*

George R. Meyer

GRM/cjw  
Enclosures  
Gray Cary\AU4113123.1  
2502404-990000

## 2. Article Number



7106 4575 1292 5077 5687

## 3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)  Yes

## 1. Article Addressed to:

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## C. Signature

x Dennis Hilland

 Agent  
 Addressee

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 Yes  
 No

PS Form 3811, June 2000

Domestic Return Receipt

Bon Smith  
 Director of Operations  
 AVAION Digital Marketing Systems Inc.  
 2120 Main Street, Suite 200  
 Mountain View, CA 92031